IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO. 2909/2004

PETITIONER

Smt Bilkish Khan, aged about 32 years, wife of Shri Shafir Ahmd Khan, resident of Taaj Medical Store, Near Nagar, Panchayat, Dongargaon, Distt. Rajnandgaon (CG)

P. R. No. 2962/04
Presented by Shri Malik Bal
dated 2-7-04

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Family General and Administratioin, DKS Bhawan, Raipur

2. Sub Divisional Officer, Dongargarh, Distt. Rajnandgaon.

3. The Tahsildar, Tah. Dongargaon, Distt. Rajnandgaon (CG)

4. Collector, Rajnandgaon (CG)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2909 of 2004

Petitioner — Smt. Bilkish Khan

Versus

Respondents — The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None appears for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the respondents/State

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, while working as Assistant Grade-III in Tahsil Office, Dongargaon, was transferred to Janpad Panchayat Office, Dongargaon on the same terms and conditions vide impugned transfer order dated 31.7.2004 (P/1).
2. This Court, vide interim order dated 1.9.2004, has stayed the effect and operation of the impugned order 31.7.2004 (P/1) till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu